



**OFFICE OF  
THE ATTORNEY GENERAL**

**AUSTIN, TEXAS**

**Gerald D. Mann  
SHERIFF**

**Honorable I. E. Lanier  
County Auditor  
Cass County  
Linden, Texas**

**Dear Sir:**

**Opinion No. 0-900**

**Re: Should a sheriff be paid 4¢  
for each mile he travels in  
his car on official business  
or a maximum sum of \$50.00  
per month per car?**

**Your request for an opinion on the above stated ques-  
tion has been received by this office.**

**Your letter reads, in part, as follows:**

**"Art. 3899 states that the County shall pay  
to the Sheriff for the use of his Automobile four  
cents for each mile traveled in the discharge of  
official business.**

**"We notice in the Senate Journal of the Regu-  
lar Session of the 44th Legislature on page 1084  
in S. S. R. No. 40 that it was the intention of  
the Legislature that the Sheriff be permitted to  
charge a maximum sum of Fifty Dollars per month  
per car.**

**"Please let us know if we should pay the  
Sheriff four cents for each mile traveled in his  
car on official business, or a maximum sum of  
Fifty Dollars per month per car."**

**Section 2 of Article 3899 reads, in part as follows:**

**". . . The Commissioners' Court of the county  
of the sheriff's residence may, upon the written  
and sworn application of such officer, stating the  
necessity therefor, allow one or more automobiles  
to be used for the sheriff in the discharge of offi-  
cial business, which, if purchased by the county  
shall be bought in the manner prescribed by law  
for the purchase of supplies and paid for out of  
the General Fund of the county and they shall be  
reported and paid in the same manner as herein  
provided for other expenses.**

"Where the automobile or automobiles are owned by the Sheriff or his Deputies, they shall be allowed four (4) cents for each mile traveled in the discharge of official business, which sum shall cover all expenses of the maintenance, depreciation and operation of such automobiles. Such mileage shall be reported and paid in the same manner prescribed for other allowable expenses under the provisions of this section. No automobile shall be allowed for any Deputy Sheriff except those regularly employed in outside work. It shall be the duty of the County Auditor, if any, otherwise the Commissioners' Court, to check the speedometer reading of each of said automobiles, owned by the county once each month and to keep a public record thereof; no automobile owned by the county shall be used for any private purpose."

Article 1899, Revised Civil Statutes, Section (b) further provides for certain expenses of county officers of counties operating on a salary basis.

We are informed by the Comptroller's office that Cass County has a population of 30,030 inhabitants according to the last Federal census and that the county officers of Cass County are compensated on an annual salary basis.

Senate Concurrent Resolution No. 40, mentioned in your letter, was filed in the Department of State on May 17, 1935. Article 1899 was amended by the 45th Legislature, Acts, 1937, without the provisions of Senate Concurrent Resolution No. 40 being incorporated therein. The terms of Article 1899 are clear and unambiguous, and you are respectfully advised that it is the opinion of this department that a sheriff who receives a salary as compensation for his services should be paid the sum of 4¢ for each mile traveled by automobile in the discharge of official business where the automobile is owned by the sheriff.

Trusting that the foregoing answers your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (Signed) Ardell Williams  
Assistant

APPROVED JULY 26, 1939  
(Signed) W. F. Moore  
FIRST ASSISTANT  
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE  
BY H. W. Chairman